REPUBLIC OF KENYA

THE KENYA WATER CONSTRUCTION AND MAINTENANCE CORPS ACT

An Act of the National Assembly to establish the Kenya Water Construction and Maintenance Corps as a permanent institution of the Republic; to provide for its mandate, governance, financing, and powers; to establish the Community Water Trust framework; to protect the 2% national revenue appropriation for water infrastructure; and for connected purposes.

Draft for Legislative Consideration · 2026

PART I — PRELIMINARY

Section 1 — Short Title and Commencement

(1) This Act may be cited as the Kenya Water Construction and Maintenance Corps Act, 2026.

(2) This Act shall come into force on a date appointed by the President by notice in the Gazette, being not more than ninety days after the date of assent.

(3) Different dates may be appointed for different provisions of this Act.

Section 2 — Interpretation

In this Act, unless the context otherwise requires—

"the Corps" means the Kenya Water Construction and Maintenance Corps established under Section 3 of this Act

"the Director-General" means the officer appointed under Section 9 of this Act to lead the Corps

"the Corps Board" means the governing body of the Corps established under Section 8 of this Act

"Battalion" means a major operational unit of the Corps assigned to construct and maintain water infrastructure in a defined geographic zone

"the Maintenance Corps" means the permanent national unit responsible for maintaining all commissioned infrastructure as described in Section 7

"the Hydrological Intelligence Unit" means the scientific monitoring and intelligence unit of the Corps established under Section 7

"Community Water Trust" means a legally constituted community institution established under Part VII of this Act to own and manage water infrastructure in its service area

"Community Engineer" means a technically certified water infrastructure professional permanently employed by a Community Water Trust under Section 46

"the Water Standard" means the minimum service standard established under Section 51 — safe water within 1 kilometre of every household, at no more than 3% of household income, with no dry-season interruption exceeding 48 hours

"protected appropriation" means a budget allocation that may not be reduced below the floor established in Section 30 except by constitutional amendment in accordance with Article 368 or Article 255 of the Constitution

"commissioning" means the formal handover of a completed water infrastructure asset to a Community Water Trust with a Community Engineer in post, as required by Section 43

"the Programme Integration Index" means the reference document maintained by the Corps Secretariat mapping all cross-programme institutional linkages, employment data, and legal instruments

"PILG Desk" means the Programme Infrastructure Land Gateway operated by the National Land Commission under the Ardhi ya Taifa programme, through which all infrastructure land is cleared before Corps mobilisation

PART II — ESTABLISHMENT AND MANDATE

Section 3 — Establishment

(1) There is hereby established a body to be known as the Kenya Water Construction and Maintenance Corps.

(2) The Corps is a permanent institution of the Republic of Kenya. Its existence and continuity shall not be subject to executive reorganisation, ministerial discretion, or changes in government.

(3) The Corps shall be a body corporate with perpetual succession, a common seal, and capacity to sue and be sued in its own name.

(4) The Corps shall not be classified as a government department, a state corporation, or a parastatal body. It shall be governed exclusively by this Act and by regulations made thereunder.

Section 4 — National Mandate

The mandate of the Kenya Water Construction and Maintenance Corps is—

(a) to survey, design, construct, and commission Kenya's national water infrastructure in accordance with the National Water Programme described in Schedule 1 to this Act, covering dams, boreholes, pipelines, contour systems, sand dams, rock catchments, cisterns, desalination plants, and all associated distribution infrastructure;

(b) to maintain all commissioned water infrastructure in perpetuity through the Maintenance Corps established under Section 7, to a standard not less than the Water Standard;

(c) to recruit, train, and develop a domestic water engineering and construction workforce through the Corps Academy established under Section 15;

(d) to establish and operate the Hydrological Intelligence Unit established under Section 7, monitoring rainfall, river flows, aquifer levels, dam sedimentation, and all relevant hydrological data in real time;

(e) to build and maintain Community Water Trusts as the permanent community owners and managers of all commissioned infrastructure, in accordance with Part VII;

(f) to ensure that every Kenyan has access to safe water meeting the Water Standard, working in coordination with county governments, the Kenya Water Authority, and all relevant national programme institutions;

(g) to publish and maintain all technical standards, operational protocols, safety systems, and maintenance manuals governing water infrastructure, ensuring all intellectual property is permanently vested in the Corps and through it in the Republic.

Section 5 — The Maintenance Doctrine

(1) The Maintenance Corps established under Section 7 is the Corps's primary operational institution, not a secondary function. Maintenance is the mandate that justifies the Corps's permanent existence.

(2) The Corps shall not commission any water infrastructure unless a Community Water Trust has been constituted to receive it and a Community

Engineer is in post to maintain it. This is a mandatory statutory condition — not a programme aspiration.

(3) Every water infrastructure asset built by the Corps is the permanent responsibility of the Corps until it is commissioned to a Community Water Trust. After commissioning, the Maintenance Corps provides technical backup and emergency response, and the Community Engineer provides day-to-day maintenance.

(4) The 72-hour response standard: any reported water infrastructure failure must receive a maintenance response within 72 hours of report. The Corps Director-General shall report all instances of non-compliance to the Corps Board and to the Cabinet Secretary monthly. The report shall be published.

PART III — STRUCTURE OF THE CORPS

Section 6 — The Five Operational Battalions

(1) The Corps shall be organised into five operational battalions and two specialist units, each with a defined geographic and functional mandate.

(2) The five operational battalions are—

(a) the Tana-Coast Battalion, responsible for all water infrastructure in Tana River, Kilifi, Kwale, Taita-Taveta, and Coastal Counties, including the coastal desalination programme and the chlor-alkali industrial water supply;

(b) the Ewaso Ng'iro Battalion, responsible for the Ewaso Ng'iro highland cascade, the Samburu corridor, and the Isiolo-Marsabit-Moyale A2 water corridor, including the volcanic mountain water towers and the wind-wheel nomad network;

(c) the Northeastern Battalion, responsible for all water infrastructure in Wajir, Mandera, Garissa, and northeastern Counties, including the Lorian programme and all trans-boundary water management with Somalia and Ethiopia;

(d) the Small Dams Battalion, a nationally mobile battalion deploying across all 47 counties to construct sand dams, rock catchment structures, community water pans, and any structure below a capacity threshold prescribed by the Director-General by regulation; and

(e) the Western and Rift Battalion, responsible for all water infrastructure in the Lake Victoria basin, the western escarpment contour systems, the Rift Valley floor lakes, and the highland storage infrastructure of the central and western counties.

(3) Each Battalion shall be commanded by a Battalion Commander appointed by the Director-General from among officers who have served a minimum of five years in the Corps at senior rank.

(4) The Director-General may, with the approval of the Corps Board, establish additional battalions or sub-units as the programme requires.

Section 7 — The Maintenance Corps and the Hydrological Intelligence Unit

(1) In addition to the five operational battalions, the Corps shall maintain—

(a) the Maintenance Corps — a permanent national unit responsible for maintaining all commissioned infrastructure, providing emergency repair response, conducting annual condition surveys of all commissioned assets, and supporting Community Engineers with technical backup. No commissioned infrastructure is removed from the Maintenance Corps's responsibility register. Every structure the Corps builds is on the Maintenance Corps's register from commissioning day in perpetuity; and

(b) the Hydrological Intelligence Unit — the scientific brain of the programme, responsible for: monitoring rainfall at 500+ gauge stations nationally; monitoring river flows on all 42 major river systems; mapping and monitoring all major aquifer systems; tracking dam sedimentation rates; monitoring escarpment spring flows and seasonal cistern levels; and updating the national priority construction sequence from real-time data.

The HIU updates the National Governance Dashboard daily with all key hydrological indicators.

(2) The HIU shall provide hydrological data to: the Kenya Food Security Early Warning System (KFSEWS) for drought index triggering; the Kenya Water and Hydrology Research Institute (KWHRI) for academic research purposes; the Mazingira ya Taifa programme for water tower health monitoring; county governments for flood and drought early warning; and any other national programme institution specified by the Director-General.

(3) The Maintenance Corps and HIU shall be funded from the Corps's protected appropriation under Section 30 and shall not be subject to separate budget allocation at ministerial discretion.

PART IV — GOVERNANCE

Section 8 — The Corps Board

(1) The Corps shall be governed by a Corps Board consisting of—

(a) a Chairperson, being a professional with demonstrated expertise in water infrastructure, hydrology, or large-scale construction, appointed by the President on the recommendation of the National Assembly through the process in subsection (3);

(b) the Director-General, as a non-voting member;

(c) three independent non-executive directors appointed through an open competitive process, of whom at least one shall be a registered engineer specialising in water infrastructure, at least one shall be a financial professional, and at least one shall have expertise in community water governance;

(d) one representative of county governments, nominated by the Council of Governors on a rotating three-year basis;

(e) one representative of Community Water Trusts, elected by the Basin Authority network;

(f) one representative of the National Land Commission, serving in an advisory capacity without a vote; and

(g) the Principal Secretary responsible for water, as a non-voting observer.

(2) The Corps Board shall have not less than nine members and not more than eleven. A quorum shall be six members, of whom at least four must be non-executive members.

(3) The Chairperson shall be nominated by a Selection Panel comprising a judge of the High Court (convening the panel), a representative of the Association of Professional Societies in East Africa, and a representative of civil society nominated by the Kenya NGO Coordination Board. The Selection Panel shall advertise the position publicly, interview candidates publicly, and submit three names to the National Assembly. The National Assembly shall confirm one by resolution. The President shall then appoint.

(4) The Chairperson and independent non-executive directors shall each serve a single non-renewable term of six years. No Chairperson or independent director shall be reappointed in any capacity to the Board after the expiry of their term.

(5) A member of the Corps Board may only be removed by resolution of the National Assembly on grounds of incapacity, misconduct, or conviction of a criminal offence. The Cabinet Secretary responsible for water has no power to remove any member of the Corps Board.

Section 9 — The Director-General

(1) The Corps shall have a Director-General who shall be the chief executive and accounting officer of the Corps.

(2) The Director-General shall be appointed by the Corps Board through an open competitive process advertised nationally and internationally. The appointment shall be confirmed by a resolution of the National Assembly supported by not less than two-thirds of all members.

(3) A person is qualified for appointment as Director-General if the person holds a degree in civil or water engineering, hydrology, or a related discipline at KNQF Level 8 or above, has a minimum of fifteen years of experience in water infrastructure development at a senior level, and has demonstrated competence in large-scale institutional leadership.

(4) The Director-General shall serve a single non-renewable term of six years. A person who has served as Director-General shall not be reappointed as Director-General or as a member of the Corps Board.

(5) The Director-General may not be removed from office except upon — (a) a resolution of not less than two-thirds of all members of the National Assembly; or (b) conviction of a criminal offence by a court of competent jurisdiction.

(6) The Cabinet Secretary responsible for water has no power to issue directions to the Director-General on operational matters, on individual procurement decisions, on construction sequencing, on personnel appointments within the Corps, or on any matter within the Director-General's mandate under this Act. The Cabinet Secretary's role is limited to setting national water policy and representing the Corps's interests in the Cabinet.

(7) The Director-General shall be remunerated at a market rate commensurate with the role's responsibility, determined by the Salaries and Remuneration Commission in consultation with the Corps Board. The compensation shall be publicly disclosed.

Section 10 — No Political Direction

(1) No Cabinet Secretary, Principal Secretary, Member of Parliament, County Governor, or other holder of a political or elected office shall give directions to the Corps on—

(a) the sequence or priority of infrastructure construction in any county or ward;

(b) the award of any contract for construction, maintenance, or supply;

(c) the appointment, promotion, transfer, or discipline of any officer of the Corps; or

(d) the allocation of Corps resources between regions, battalions, or programme priorities.

(2) Any direction given in contravention of subsection (1) is void and of no legal effect. The Director-General who receives such a direction shall report it in writing to the Corps Board Chairperson within 48 hours. The Chairperson shall report it to the National Assembly's Committee on Water within 14 days. All such reports shall be published.

(3) Any person who gives a direction in contravention of subsection (1) and whose direction results in demonstrable prejudice to the Corps's operations commits an offence and is liable on conviction to a fine not exceeding Ksh 10,000,000 or imprisonment for a term not exceeding five years, or both.

PART V — THE CORPS ACADEMY

Section 15 — Establishment and Mandate

(1) The Corps shall establish and operate the Kenya Water Construction and Maintenance Corps Academy, being an institution for the training, qualification, and professional development of Corps personnel and Community Engineers.

(2) The Academy's mandate is—

(a) to train Corps recruits at KNQF Level 2–4 in dam construction, borehole drilling, pipeline laying, sand dam construction, rock catchment installation, cistern construction, and HIU data collection — the entry-level technical trades of the water programme;

(b) to train and certify Community Engineers at KNQF Level 5 on a three-year programme covering dam safety, irrigation management, borehole operation and maintenance, water quality testing, and Community Water Trust governance;

(c) to provide continuing professional development and advanced training for serving Corps officers up to KNQF Level 7; and

(d) to deliver the KDF pre-deployment field survival training for all Corps personnel deploying to ASAL counties, in partnership with the Kenya Defence Forces Training and Doctrine Command.

(3) The Academy shall admit not fewer than 2,000 recruits per year from Year 1, scaling to not fewer than 4,000 per year by Year 5. At least 40% of each intake shall be women. At least 30% of each intake shall be from ASAL counties.

(4) Academy graduates who achieve KNQF Level 4 or above are eligible for promotion within the Corps without further external qualification. The Corps career ladder, from entry-level operative to Battalion Commander, shall be defined by the Director-General and published publicly.

PART VI — FINANCING AND PROTECTED APPROPRIATION

Section 30 — The Protected Annual Appropriation

(1) The national government shall allocate to the Corps, in each financial year, not less than two per cent of the national revenue collected by the Kenya Revenue Authority in the preceding financial year.

(2) The allocation under subsection (1) is a first charge on the Consolidated Fund and shall be disbursed to the Corps not later than thirty days after the commencement of each financial year.

(3) The Cabinet Secretary responsible for finance shall not reduce the allocation below the floor in subsection (1) by any budget instrument, circular, warrant, or directive. Any purported reduction is void.

(4) The allocation in subsection (1) shall increase automatically if — (a) the allocation becomes protected by constitutional amendment under Article 206B of the Constitution, in which case the constitutional floor shall apply; or (b) the Corps Board, with the approval of the National Assembly's Finance Committee, determines that programme requirements necessitate an increased allocation.

(5) The allocation shall be used exclusively for — (a) capital construction of water infrastructure in accordance with the National Water Programme; (b) operations and maintenance of all commissioned infrastructure; (c) salaries, benefits, and training of all Corps personnel; (d) the Corps Academy operations; (e) the Hydrological Intelligence Unit operations and equipment; and (f) Community Water Trust capitalisation under Section 53.

Section 31 — Water Infrastructure Bonds

(1) The Corps may, with the approval of the National Assembly, issue Water Infrastructure Bonds for the purpose of financing major capital works that exceed the Corps's appropriation in any given financial year.

(2) Water Infrastructure Bonds shall be—

(a) backed by identifiable, auditable tariff revenue from completed infrastructure;

(b) denominated in Kenya Shillings;

(c) structured to avoid any provision granting bondholders operational control over any water infrastructure asset; and

(d) listed on the Nairobi Securities Exchange within six months of issuance.

(3) No financing agreement for water infrastructure shall contain any provision granting a foreign party operational control over any water infrastructure asset, the right to appoint or remove any officer of the Corps, or a requirement that disputes be resolved outside Kenya. Any such provision is void.

Section 32 — The Community Trust Capitalisation Fund

(1) There is hereby established within the Corps's budget a Community Trust Capitalisation Fund.

(2) The Fund shall provide the initial capital investment for each new Community Water Trust, covering the cost of the Trust's first year of operation, its Community Engineer's first year salary, and its initial equipment requirements.

(3) The Fund shall be replenished by Trust tariff contributions over the Trust's first ten years of operation — a revolving fund, not a grant programme. The Director-General shall set the contribution rate by regulation such that the Fund is self-sustaining within ten years.

Section 33 — Annual Accounts and Audit

(1) The Corps shall maintain accounts in accordance with international public sector accounting standards.

(2) The annual accounts shall be audited by the Controller and Auditor-General and shall be published on the Corps's public portal within four months of the end of each financial year.

(3) The accounts shall include — (a) a full register of all water infrastructure assets commissioned in the year; (b) a maintenance status report for every commissioned asset; (c) a Community Water Trust financial summary; (d) the HIU hydrological data report; and (e) a full employee register by Battalion and grade.

(4) The Corps shall publish on its public portal, updated monthly — (a) all contract awards above Ksh 5,000,000, including the contractor's name, contract value, and project description; (b) all variation orders above 15% of the original contract value, with a written justification signed by the Director-General; and (c) all HIU hydrological monitoring data in machine-readable format for public access.

PART VII — COMMUNITY WATER TRUSTS

Section 40 — Establishment

(1) A Community Water Trust is a legally constituted community institution established under this Part to own and manage water infrastructure in its service area in perpetuity.

(2) A Community Water Trust shall be established for each water infrastructure asset or cluster of assets commissioned by the Corps, before commissioning.

(3) A Community Water Trust shall have the following governance tiers corresponding to the hydrological hierarchy—

(a) the Settlement Trust — at individual community level, owning the local dam, borehole, or water point cluster, employing the Community Engineer, setting the local tariff, and managing daily operations;

(b) the Sub-Catchment Authority — grouping Settlement Trusts in the same tributary, lugga, or drainage sub-basin, coordinating water allocation between settlements and managing shared infrastructure; and

(c) the Basin Authority — the apex body for each of Kenya's major river basins, coordinating major dam operations, flood pulse protocols, cross-boundary allocations, and basin-level capital works.

(4) A Community Water Trust is a perpetual institution. It may not be dissolved by any executive or ministerial decision. Dissolution requires an Act of Parliament and the consent of not less than 75% of the Trust's registered beneficiary households.

Section 41 — Legal Personality and Property

(1) Every Community Water Trust shall be a body corporate with perpetual succession, capable of owning property, entering contracts, suing and being sued, and holding water infrastructure assets in its own name.

(2) The water infrastructure assets handed over on commissioning day are the property of the Trust from the moment of commissioning. No government entity may reclaim these assets except on grounds of Trust dissolution under Section 40(4).

(3) A Community Water Trust may not mortgage, charge, or otherwise encumber its infrastructure assets without the written consent of not less than 60% of registered beneficiary households and the written approval of the Corps Director-General.

Section 42 — Trust Governance

(1) Every Community Water Trust shall be governed by a Trust Committee elected by registered beneficiary households at an annual general meeting.

(2) The Trust Committee shall comprise not fewer than five and not more than nine members, of whom at least 50% shall be women and at least one shall be under 35 years of age.

(3) Trust Committee elections shall be conducted openly, with all registered beneficiary households entitled to vote. The Corps Regional Representative shall observe each election and certify its validity within 14 days.

(4) A Trust Committee member may be removed by a vote of not less than 60% of registered beneficiary households at a special general meeting called for that purpose.

Section 43 — The Commissioning Rule

(1) No water infrastructure asset built by the Corps shall be commissioned unless—

(a) a Community Water Trust has been legally constituted for that asset, with its first Trust Committee elected and certified;

(b) a Community Engineer has been appointed and is in post, having passed the Corps Academy Community Engineer certification; and

(c) the asset has passed the Corps's technical commissioning inspection confirming it meets the Water Standard.

(2) The commissioning ceremony shall be a public event, attended by the beneficiary community. The Director-General shall sign the commissioning certificate. The Trust Chairperson shall sign the acceptance certificate. Both certificates shall be registered in the national infrastructure asset register maintained by the HIU.

(3) Commissioning without a Community Engineer in post is an offence by the Corps officer who authorises it. The penalty is dismissal from the Corps and a fine of not less than Ksh 500,000.

Section 44 — The Water Tariff

(1) Every Community Water Trust shall charge a water tariff sufficient to cover — (a) the Community Engineer's salary and benefits; (b) routine maintenance and consumables; (c) the Trust's contribution to the Community Trust Capitalisation Fund revolving repayment; and (d) a capital reserve fund equivalent to 10% of annual operating costs.

(2) The tariff shall be structured on the following cross-subsidy principle — (a) the household tariff shall not exceed 3% of the income of the lowest-income quartile of households in the service area; (b) the commercial tariff shall be set at full cost recovery; and (c) the industrial tariff, where applicable, shall be set at a premium above cost recovery, the surplus from which cross-subsidises the household tariff.

(3) No household shall be denied access to a water point on grounds of inability to pay the tariff. The Trust Committee shall maintain a social access register of households unable to pay, and the Corps Director-General shall ensure the Community Trust Capitalisation Fund covers the shortfall.

(4) Tariff disputes shall be resolved by the Environment and Land Court within 45 days, in the community's primary language where practicable.

Section 45 — Community Water Trust — Accountability

(1) Every Community Water Trust shall submit to the Corps Director-General, annually — (a) audited accounts of Trust income and expenditure; (b) a maintenance log for all infrastructure assets; (c) a water quality report covering every monitored parameter at every supply point; and (d) an access report confirming the Water Standard is being met.

(2) The Director-General shall publish all Trust submissions on the Corps's public portal within 30 days of receipt.

(3) A Trust that fails to meet the Water Standard for three consecutive months shall receive a technical intervention team from the Maintenance Corps. If the failure persists for six months, the Director-General may appoint an interim administrator for the Trust pending a reconstituted election.

Section 46 — The Community Engineer

(1) Every commissioned water infrastructure asset shall have a Community Engineer permanently in post.

(2) The Community Engineer shall — (a) be a certified graduate of the Corps Academy Community Engineer programme at KNQF Level 5; (b) reside in the community served by the infrastructure; (c) be employed by the Community Water Trust with a salary not less than the national minimum wage for a qualified technical officer; and (d) report to the Trust Committee on all maintenance matters and to the Maintenance Corps on all technical matters requiring Corps-level intervention.

(3) The Community Engineer career pathway: Settlement Trust Community Engineer → Sub-Catchment Authority Water Officer → Basin Authority Technical Manager → Corps Regional Representative → Corps Headquarters technical staff. The pathway is designed so that Community Engineers progress into the Corps's career structure, maintaining the knowledge connection between community-level maintenance and national-level programme management.

(4) The Corps Academy shall train not fewer than 1,450 Community Engineers per year at steady state, one for each ward with water infrastructure. Priority in Academy admission is given to residents of the ward in which the infrastructure they will maintain is located.

PART VIII — PROCUREMENT AND ANTI-CORRUPTION

Section 50 — Procurement Principles

(1) All Corps procurement shall be conducted in accordance with the Public Procurement and Asset Disposal Act, 2015, and this Act.

(2) The Corps shall publish all tender documents, all bids received (names and prices), and all contract awards on the Kenya Integrated Logistics Platform (KILP) within 48 hours of each event. No contract shall commence before publication.

(3) The Kenya Military Engineering Corporation (KMEC) and the NYS Corporation (NYSC) shall be eligible to bid for Corps contracts on the same terms as private contractors. Neither KMEC, NYSC, nor any government-affiliated entity shall receive reserved contracts or preferential treatment in evaluation.

(4) The KSBC benchmark principle applies to all building works component of water infrastructure: KSBC shall bid in every tender above Ksh 20,000,000 involving structures, and its bid price serves as the transparency benchmark for the contracting authority and for KIACC.

Section 51 — The Water Standard and Live Metrics

(1) The Kenya Water Authority shall establish and publish the national Water Standard, being — safe water within 1 kilometre of every household, at a tariff not exceeding 3% of household income, with no dry-season supply interruption exceeding 48 hours.

(2) The Corps Director-General shall publish, on the National Governance Dashboard, updated daily — (a) operational status of every major dam and borehole nationally; (b) Community Water Trust fund balances by county; (c) 72-hour response compliance rate for reported failures; (d) HIU hydrological monitoring data; and (e) ASAL water point access percentage by ward.

(3) Any county where the 72-hour response standard is not met for more than 10% of reported failures in any month shall receive an automatic escalation to the Corps Director-General, who shall present a remediation plan to the Corps Board within 30 days.

Section 52 — The Suspicious Contract Protocol

(1) A water infrastructure contract award is flagged as Suspicious when — (a) the winning bid exceeds the KSBC benchmark bid by more than 15% without documented technical justification; (b) the same contractor has won more than 30% of Corps contracts in any county in a 12-month period; (c) a variation order above 20% of the original value is approved within 6 months of award; or (d) a whistle-blower report alleges specific corruption in the evaluation process.

(2) The KILP system shall flag any Suspicious award automatically and notify the Kenya Integrity and Anti-Corruption Commission (KIACC) within 24 hours.

(3) KIACC shall conduct a full retrospective review beginning from the project scoping stage, not from the award. The review shall seize the Corps's procurement files on Day 1. The Director-General shall have no role in the KIACC review.

(4) A Corps officer who falsifies an evaluation report, accepts a benefit from a contractor, or issues a variation order without technical justification commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

PART IX — CROSS-PROGRAMME INTEGRATION

Section 55 — Mandatory Programme Linkages

(1) The Corps shall, in all its operations, give effect to the following mandatory cross-programme linkages—

(a) ARDHI YA TAIFA — PILG Clearance: No Corps construction shall commence on any site until the National Land Commission's Programme Infrastructure Land Gateway has confirmed land clearance for that site. The statutory timelines apply: 14 days for public land confirmation, 90 days for compulsory acquisition on private or community land.

(b) NIDCU DOCTRINE — Infrastructure Sequencing: The Corps's construction of water infrastructure shall be coordinated with KRCC's construction of access roads to water infrastructure sites. The Director-General and the KRCC Director-General shall maintain a standing coordination protocol published quarterly.

(c) CHAKULA NA LISHE — Food Security Early Warning: The Hydrological Intelligence Unit shall provide real-time hydrological data to the Kenya Food Security Early Warning System (KFSEWS) for drought index triggering. The HIU data feed to KFSEWS shall be published under the Open Data Protocol.

(d) AFYA YA TAIFA — KNAC Coordination: The Corps shall coordinate with the Kenya National Ambulance Corps on ASAL water point deployment, sharing access route intelligence and community engagement protocols. In drought emergencies, the Corps Director-General and the KNAC Director-General shall convene a joint operational committee within 72 hours of a KFSEWS Alert declaration.

(e) MAZINGIRA YA TAIFA — Water Tower Protection: The Corps shall not construct any water infrastructure within the designated water tower protection zones of the Aberdare Range, Mount Kenya, the Mau Complex, the Cherangany Hills, Mount Elgon, and the Taita Hills without the concurrence of the Director-General of the Kenya Forest Service and the Cabinet Secretary responsible for Environment.

(f) SAYANSI NA TEKNOLOJIA — Hydrological Research: The Corps shall make all HIU data available to the Kenya Water and Hydrology Research Institute (KWHRI) as the primary operational research dataset for the institute. The Director-General and the KWHRI Director shall maintain a standing data sharing agreement reviewed annually.

(g) MIFUGO NA UVUVI — Pastoral Water: In ASAL counties, the Corps shall integrate livestock water access requirements into all water point design specifications, in consultation with county livestock departments and pastoral community representatives.

(2) The Director-General shall publish an annual Cross-Programme Integration Report confirming that each linkage in subsection (1) is operational, describing how it functioned in the preceding year, and identifying any failures or gaps.

Section 56 — The Programme Integration Index

(1) The Corps shall maintain an entry in the national Programme Integration Index (PII) that is updated annually to reflect — (a) the current employment

register of all Corps personnel by battalion and grade; (b) the current register of all commissioned Community Water Trusts; (c) the current HIU infrastructure asset register; and (d) all active cross-programme coordination agreements.

PART X — EMPLOYMENT AND WORKFORCE

Section 60 — Employment Establishment

(1) The Corps shall employ, at full programme establishment, a minimum of—

(a) 4,000 construction battalion operatives across the five operational battalions — KNQF Level 2–4, Form 4 minimum, 6-month Corps Academy training;

(b) 4,000 Maintenance Corps operatives — KNQF Level 2–4, Form 4 minimum;

(c) 2,000 specialist engineers, hydrologists, and technical officers at KNQF Level 6–7;

(d) 200 Hydrological Intelligence Unit staff, including hydrologists, data scientists, and monitoring technicians at KNQF Level 6–7;

(e) 800 Corps Academy faculty and support staff; and

(f) 1,450 Community Engineers — employed by Community Water Trusts, certified by the Corps Academy, on the Corps career pathway.

(2) The 11,000 Corps employment target and the 1,450 Community Engineer target represent the Year 10 steady state. The Director-General shall publish an annual workforce plan showing the progression toward this target.

(3) The Corps shall ensure that at all times — (a) not less than 40% of Corps personnel at all grades are women; (b) not less than 30% of annual Corps recruitment is drawn from ASAL counties; and (c) all Corps personnel serving in ASAL counties have completed the KDF-designed pre-deployment training programme under the Civil-Military Cooperation Framework with the Kenya Defence Forces.

Section 61 — Entry-Level Pathway

(1) The Corps is an entry-level institution. The majority of its permanent positions are accessible to Form 4 school leavers who complete the 6-month Corps Academy training programme.

(2) The Corps shall not require prior formal employment experience as a condition of Academy admission. Admission requirements are — (a) Kenya Certificate of Secondary Education or equivalent; (b) physical fitness certificate; and (c) satisfactory character reference.

(3) The Academy shall actively recruit from — (a) National Youth Service pipeline graduates, who enter as trained operatives; (b) settlement communities in the vicinity of current construction projects; and (c) schools in ASAL counties through the Corps outreach programme.

(4) The career pathway from Academy entry to Battalion Commander is — (a) Operative Level 1 (Year 0–2, KNQF Level 2); (b) Operative Level 2 (Year 2–5, KNQF Level 3); (c) Site Supervisor (Year 5–8, KNQF Level 4); (d) Project Engineer (Year 8–12, KNQF Level 6 — with Corps-funded BSc completion); (e) Senior Engineer (Year 12–18, KNQF Level 7); (f) Battalion Deputy Commander (Year 18–22); (g) Battalion Commander (Year 22+). No external candidate may be appointed to Battalion Commander or above — the position is filled exclusively from within the Corps career pathway.

PART XI — CONSTITUTIONAL PATHWAY AND TRANSITION

Section 65 — Pathway to Constitutional Protection

(1) The 2% protected appropriation under Section 30 of this Act is a statutory protection — it can be amended by Parliament through ordinary legislation.

(2) The Corps Board shall, within two years of the commencement of this Act, submit to the Cabinet Secretary a draft constitutional amendment Bill proposing the insertion of Article 206B into the Constitution of Kenya, entrenching the 2% appropriation as a constitutional protection reducible only by constitutional amendment.

(3) The proposed Article 206B text, as recommended by the Corps Board in consultation with the Attorney-General, shall follow the model established in Mfumo wa Katiba — Constitutional and Governance Reform Programme Section 2.5 of the Kenya National Development Programme.

(4) The ASAL 40% allocation provision in the proposed Article 206B shall be included to secure the Senate coalition required for passage under Article 368(1) of the Constitution — two-thirds of all members of the National Assembly and concurrence of two-thirds of county assemblies in at least 24 of 47 counties.

Section 66 — Transition from Existing Water Institutions

(1) On the commencement of this Act, the functions of the following institutions are transferred to the Corps to the extent specified—

(a) Water Services Boards — all construction and capital maintenance functions transfer to the Corps. Regulatory functions transfer to the Kenya Water Authority. No Water Services Board officer loses their employment — all are transferred to the Corps or to the Kenya Water Authority.

(b) National Water Conservation and Pipeline Corporation — all pipeline construction and maintenance functions transfer to the Corps. Assets transfer to the Corps on commissioning day of Community Water Trusts.

(2) The transfer shall be completed within 18 months of commencement. The Director-General shall publish a transition plan within 90 days of commencement.

(3) No transfer of function shall result in the loss of employment for any officer of the transferred institution. All officers shall be offered equivalent positions in the Corps or in the Kenya Water Authority.

KENYA WATER CONSTRUCTION AND MAINTENANCE CORPS ACT, 2026. *Part of the Kenya National Development Programme. Companion to: Maji ya Taifa (vision), Mfumo wa Katiba (Amendment 5), Fedha ya Taifa (financing), Programme Integration Index (cross-reference register).*

SCHEDULE 1 — THE NATIONAL WATER PROGRAMME

Schedule 1 incorporates by reference the full regional programme described in Maji ya Taifa — National Water Vision (Kenya National Development Programme, 2026), covering the nine regional programmes: (1) Northern Desert Corridor (Isiolo-

Marsabit-Moyale); (2) Turkana Basin — Jade Sea Programme; (3) Eastern Heartland (Kitui, Machakos, Makueni, Meru, Embu); (4) Coast Hills (Shimba and Taita); (5) Coast Plains (Tana-Galana water banking); (6) Coast Urban and Industrial (desalination and chlor-alkali); (7) Western Highlands and Lake Victoria Basin; (8) Rift Valley Floor; (9) Central Highlands and Nairobi. The Corps Director-General may, with the approval of the Corps Board and the National Assembly's Water Committee, add to Schedule 1 by regulation as new programme requirements are identified.

SCHEDULE 2 — EMPLOYMENT ESTABLISHMENT BY GRADE

Schedule 2 sets out the full Corps employment establishment by battalion, grade, and KNQF level. Updated annually by the Director-General and published with the Annual Report. Year 10 steady state: 11,000 Corps permanent positions, 1,450 Community Engineers (Trust-employed, Corps-certified), 200 HIU staff. Entry-level positions (Form 4 minimum, KNQF Level 2–4): 7,000. Total water programme permanent employment including Community Water Trust staff and Community Engineers: 15,550.